

FIRST REGULAR SESSION

# SENATE BILL NO. 368

95TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR STOUFFER.

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Read 1st time February 12, 2009, and ordered printed.

TERRY L. SPIELER, Secretary.

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## AN ACT

To amend chapter 304, RSMo, by adding thereto one new section relating to providing an affirmative defense for certain red light violations.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Chapter 304, RSMo, is amended by adding thereto one new  
2 section, to be known as section 304.285, to read as follows:

**304.285. Any person operating a motorcycle or bicycle who  
2 violates the provisions of section 304.281 or section 304.301 by entering  
3 or crossing an intersection controlled by a traffic control signal against  
4 a red light shall have an affirmative defense to that charge if the  
5 person establishes all of the following conditions:**

6       (1) The motorcycle or bicycle has been brought to a complete  
7 stop;

8       (2) The traffic control signal continues to show a red light for an  
9 unreasonable time;

10       (3) The traffic control is apparently malfunctioning or, if  
11 programmed or engineered to change to a green light only after  
12 detecting the approach of a motor vehicle, the signal has apparently  
13 failed to detect the arrival of the motorcycle; and

14       (4) No motor vehicle or person is approaching on the street or  
15 highway to be crossed or entered or is so far away from the  
16 intersection that it does not constitute an immediate hazard.

17 The affirmative defense of this section applies only to a violation for  
18 entering or crossing an intersection controlled by a traffic control  
19 signal against a red light and does not provide a defense to any other  
20 civil or criminal action.

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